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Via E-Mail

August 11, 2008

Curtis G. Oler  
Law Offices of Curtis G. Oler  
P.O. Box 15083  
San Francisco, CA 94115

Jahmal T. Davis  
Kevin Durrell Reese  
Patrick M. Glenn  
Hanson, Bridgett, Marcus, Vlahos & Rudy LLP  
425 Market St., 26<sup>th</sup> Floor  
San Francisco, CA 94105

Re: Stemley v. America West Airlines Inc.  
C 08-02040-TEH

Dear Counsel:

As you know, I have been appointed by the District Court to serve as the mediator in this case under the Court's mediation program. Prior to becoming a mediator in 1998, I practiced law for 12 years with Cooley Godward in San Francisco. Attached is my C.V. for your review.

Please be sure to review carefully ADR L.R. 6, which governs the mediation program. Pursuant to ADR L.R. 6-6, I will conduct a phone conference with all counsel before the formal mediation to discuss the following:

- The procedures to be followed;
- The nature of the case;
- Appropriate dates for the mediation and the anticipated length of the session;
- The parties who will be present at the session;
- Ideas to improve the effectiveness of the mediation session or matters that could pose impediments;
- Requirements for your written mediation statements; and
- Any questions you might have about the mediation program.

I anticipate that the telephone conference will last approximately one-half hour. I would like to schedule the **phone conference for Wednesday, August 20 at 11:00 a.m.** Assuming this date

and time work for you, I ask that **Mr. Stemley's office initiate the call by contacting Mr. Davis, Mr. Reese, or Mr. Glenn first (Please let us know which of you will be participating in the conference call.) Then conference me in at the above telephone number.** If you need to select a different date or time, consult with each other about your schedules, and then one of you can email me with suggested alternatives for rescheduling. If possible, I would like to have the call next week, as I will be on vacation during the week of August 25. If I do not hear from you in the next day or so, I'll plan to hold the phone conference on the 20<sup>th</sup> at 11:00 am.

Before the telephone conference, please have ready a selection of dates for conducting the mediation session. My understanding is that **the deadline for conducting the mediation is October 13, 2008.**

My conflicts check revealed no actual or potential conflicts of interest under 28 U.S.C. Section 455(a) and (b), and I am not aware of any other circumstances that would compromise my impartiality or the appearance of impartiality.

I look forward to assisting you on this case.

Sincerely yours,

Kristen W. Maloney

Cc: ADR Unit